

FEB 03 2006

Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 1005.P001US							
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>February 3, 2006</u> Signature <u><i>Mary Jo Bertani</i></u> Typed or printed name <u>Mary Jo Bertani</u>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;">Application Number 09/415,295</td> <td style="padding: 5px;">Filed October 8, 1999</td> </tr> <tr> <td colspan="2" style="padding: 5px;">First Named Inventor Amir Ben-Efraim</td> </tr> <tr> <td style="padding: 5px;">Art Unit 2151</td> <td style="padding: 5px;">Examiner Dinh, Khanh Q.</td> </tr> </table>		Application Number 09/415,295	Filed October 8, 1999	First Named Inventor Amir Ben-Efraim		Art Unit 2151	Examiner Dinh, Khanh Q.
Application Number 09/415,295	Filed October 8, 1999								
First Named Inventor Amir Ben-Efraim									
Art Unit 2151	Examiner Dinh, Khanh Q.								
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>									
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>42,321</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		<div style="text-align: center;"> <u><i>Mary Jo Bertani</i></u> Signature <u>Mary Jo Bertani</u> Typed or printed name <u>949 251 0260</u> Telephone number <u>February 3, 2006</u> Date </div>							
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.									
<input type="checkbox"/> *Total of _____ forms are submitted.									

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**RECEIVED
CENTRAL FAX CENTER****FEB 03 2006**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Amir Ben-Efraim; Tae Hae Nahm; David Hudson
Assignee: AT ROAD, INC.
Title: Portable Browser Device with Voice Recognition and Feedback Capability
Serial No.: 09/415,295 Filing Date: October 8, 1999
Examiner: Dinh, Khanh Q. Group Art Unit: 2151
Docket No.: 1005.P001 US

Irvine, California
February 3, 2006

MAIL STOP AF
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

**REMARKS IN SUPPORT OF PRE-APPEAL BRIEF
REQUEST FOR REVIEW**

Dear Sir:

This paper is being filed with the Pre-Appeal Brief Request For Review in response to the Final Office Action dated October 6, 2005, having a shortened statutory period expiring January 6, 2006. A Petition to extend the time period for response for one (1) month is filed herewith, setting a new period for response that expires February 6, 2006. Further consideration is respectfully requested for the reasons set forth below.

KOESTNER BERTANI LLP
18662 MACARTHUR BLVD.
SUITE 400
IRVINE, CA 92612
TEL (949) 231-0250
FAX (949) 231-0250

-1 of 3-

Serial No. 09/415,295
February 3, 2006

***Omission Of Essential Elements Required
To Establish A Prima Facie Rejection***

Claims 1, 2, 4, 5, 8-18, 21, 23, and 86-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hitchings Jr. (hereafter Hitchings), U.S. Patent No. 6,594,484 in view of Logan *et al.* (hereafter Logan), US Pat. No. 5,732,216.

Claims 24-41, 43, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hitchings and Logan and further in view of Garceran *et al.* (hereafter Garceran), U.S. Pat. No. 6,552,888.

Claims 94-96 and 98 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hitchings in view of Logan as item 4 in the Office Action and further in view of Garceran.

The Examiner failed to establish anticipation and/or obviousness because the cited Logan reference includes a radio link for downloading audio data, but does not include a short range radio 728, a wireless communication interface 700, and a car radio 726 as set forth in Claim 1 and shown in FIG. 7 of the present disclosure. In contrast, FIG. 1 of Logan shows a modem 115 receiving signals from Internet Service Provider 121. The client CPU 105 outputs signals from the modem to a sound card 110. The description of the Logan device teaches that the radio link (117) can be used for communication between the Internet service provider 121 and PC client player 103. (Logan, col. 6 lines 36-48). There is no component in Logan that provides a short range radio link between an audio converter (sound card 110 in Logan) and a car radio (computer player 103 in Logan). Thus, Logan does not teach or suggest all of the elements of Claim 1.

Claim 1 is thus allowable over Hitchings and Logan, alone and in combination for at least the foregoing reasons. Independent claims 24, 86, and 94 include features similar to those in Claim 1 that are distinguishable from the prior art. Claims 2, 4-5, 8-18, 21, and 23 depend from Claim 1, Claims 25-30, 32-42, and 43-44 depend from Claim 24, Claims 87-89

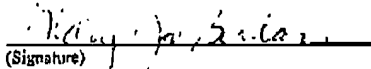
KOESTNER BERTANI LLP
18502 MACARTHUR BLVD
SUITE 400
IRVINE, CA 92612
TEL (949) 251-0330
FAX (949) 251-0330

depend from Claim 86, and Claims 95-98 depend from Claim 94, and include features that further distinguish them from the prior art. Allowance of Claims 2, 4, 5, 8-18, 21, 23, 24-30, 32-42, 43, 44, 86-89, and 94-98 is respectfully requested for at least the same reasons as Claim 1.

CONCLUSION

In view of the remarks set forth herein, Applicant believes the Examiner has failed to establish a *prima facie* case for anticipation and obviousness. Applicant believes Claims 1, 2, 4, 5, 8-18, 21, 23-30, 32-41, 43, 44, 86-89, and 94-98 are in form for allowance and a notice to that effect is solicited. In the event it would facilitate prosecution of this application, the Examiners are invited to telephone the undersigned at (949) 251-0250.

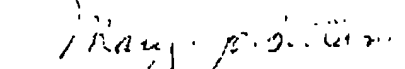
I hereby certify that this correspondence is being facsimile transmitted to the USPTO, Central Number at (571) 273-8300 on the date shown below


(Signature)

Mary Jo Bertani
(Printed Name of Person Signing Certificate)

February 3, 2006
(Date)

Respectfully submitted,



Mary Jo Bertani
Attorney for Applicant(s)
Reg. No. 42,321

KOESTNER BERTANI LLP
1850 MACARTHUR BLVD.
SUITE 400
IRVINE, CA 92614
TEL (949) 251-0250
FAX (949) 251-0260